

## 6 **Dues allotment**

A labor organization may be granted certification for the limited purpose of negotiating an agreement for dues allotment under section 7115(c) of the Statute, which provides:

(1) Subject to paragraph (2) of this subsection, if a petition has been filed with the Authority by a labor organization alleging that 10 percent of the employees in an appropriate unit in an agency have membership in a labor organization, the Authority shall investigate the petition to determine its validity. Upon certification by the Authority of the validity of the petition, the agency shall have a duty to negotiate with the labor organization solely concerning the deduction of dues of the labor organization from the pay of the members of the labor organization who are employees in the unit and who make a voluntary allotment for such purpose.

(2) The provisions of paragraph (1) of this subsection shall not apply in the case of any appropriate unit for which there is an exclusive representative.

**Standard:** To certify a union for dues allotment, the union is required to file a petition with a Regional Office that includes the following criteria:

- a) the petition seeks certification for dues allotment for a unit for which there is no exclusive representative
- b) the claimed unit is appropriate for exclusive recognition **and**
- c) the petitioner provides a showing of **membership** of not less than 10 percent (10%) in the unit claimed to be appropriate.

**Application of standard:** Any appropriate unit determination for the purposes of dues allotment petitions must be consistent with the criteria of section 7112(a) of the Statute. *Defense Industrial Plant Equipment Center, Memphis Tennessee*, 31 FLRA 1105 (1988). Other issues in dues allotment cases include:

- ▶ Any dues withholding agreement negotiated between a labor organization and an agency pursuant to a dues allotment certification becomes null and void upon the certification of an exclusive representative of the unit. See

5 U.S.C. 7115(c)(2)(B).

- ▶ The fact that a union loses an election for exclusive representation does not, in and of itself, invalidate the prior evidence of membership for the purpose of a dues allotment petition. An issue may be raised if the Activity offers independent evidence to support a claim that the union's 10% showing of membership is no longer valid. *Area Maintenance Support Activities, 86th Army Reserve Command, Forest Park, Illinois*, 32 FLRA 822 (1988)
- ▶ Determining the adequacy of evidence of membership is handled similarly to other petitions requiring a showing of interest. The Regional Director administratively determines adequacy of the evidence submitted and a determination that the evidence is adequate is not subject to collateral attack at a hearing or on appeal to the Authority. See §2422.9 and *CHM 18.3*.

**See HOG 42 for specific guidance on developing a record about this topic at hearing.**